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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,669	02/11/2002	Kenton E. Noble	50277-1955	4587
29989	7590	12/28/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			STEELEMAN, MARY J	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/073,669	NOBLE ET AL.	
	Examiner	Art Unit	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 September 2005.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-46 and 64-70 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 19-46,66 and 68-70 is/are allowed.  
 6) Claim(s) 1-18,64 and 65 is/are rejected.  
 7) Claim(s) 67 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: copy of approved drawings.

### **DETAILED ACTION**

1. This Office Action is in response to RCE, Amendments, Remarks and Drawings received 9/30/2005. Per Applicant's request, the Specification has been amended. Per Applicant's request, claims 1, 19, 38, and 42 have been amended. Claims 47-63 have been canceled. New claims 64-70 have been added. Claims 1-46 and 64-70 are pending.

#### ***Specification***

2. In view of the amendment to the Specification, the prior objection is hereby withdrawn. The disclosure is objected to because of the following informalities:

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Specification, page 3, line 18). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

#### ***Drawings***

3. In view of the Replacement Sheet drawings received 30 September 2005, the prior objections are hereby withdrawn.

#### ***Claim Objections***

4. Claim 67 is objected to because of reversed terminology. It is presumed the code patch is downloaded from the server to the client. A suggested claim amendment is as follows: The method of Claim 66, further comprising downloading the one or more JAVA code patches from the server [client] machine to the client [server] machine.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18, 64 & 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim requires system devices that enable the functionality. The claim may be cured by amending to recite:

“A system for providing a JAVA code release infrastructure with granular code patching, comprising:

a server coupled to a server storage device, interconnected via a network, to a client coupled to a client storage device;

...”

### ***Allowable Subject Matter***

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 1, 19, 38, and 42, as Applicant has noted on page 14, 4<sup>th</sup> paragraph, Schmidt and other cited prior arts taken alone or in combination, fail to disclose:

“a compare module that determines which units in the to-be-patched JAVA code libraries are outdated by comparing the metadata for each such resource unit in the JAVA code patches to the metadata for each such corresponding resource unit in the to-be-patched JAVA code libraries;”

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Conclusion***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



12/19/2005



Title: **SYSTEM AND METHOD FOR PROVIDING A JAVA CODE RELEASE STRUCTURE WITH GRANULAR CODE PATCHING**  
Inventor(s): Kenton E. Noble, et al.  
Docket No. 50277-1955  
Replacement Sheet 1 of 13

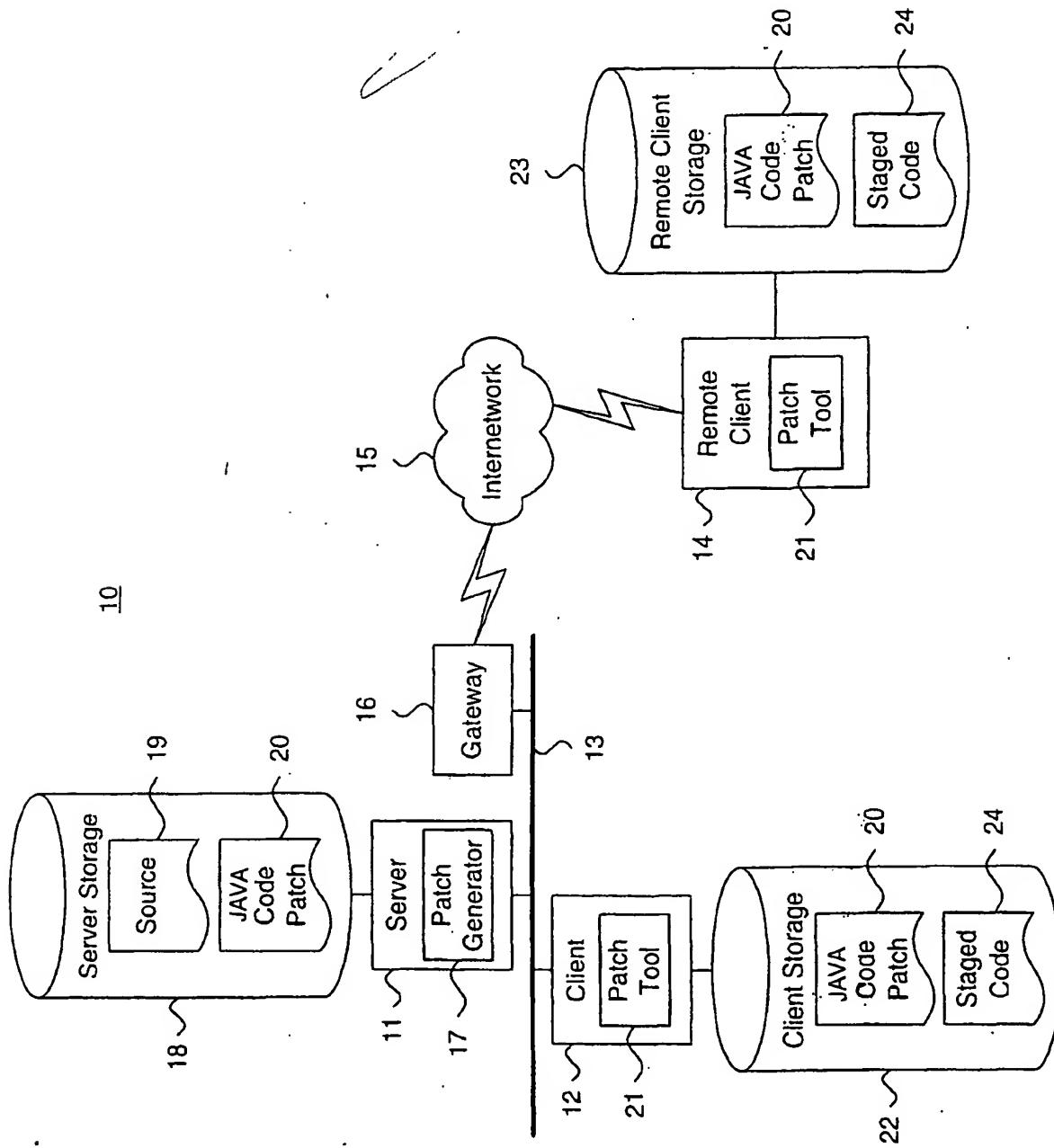
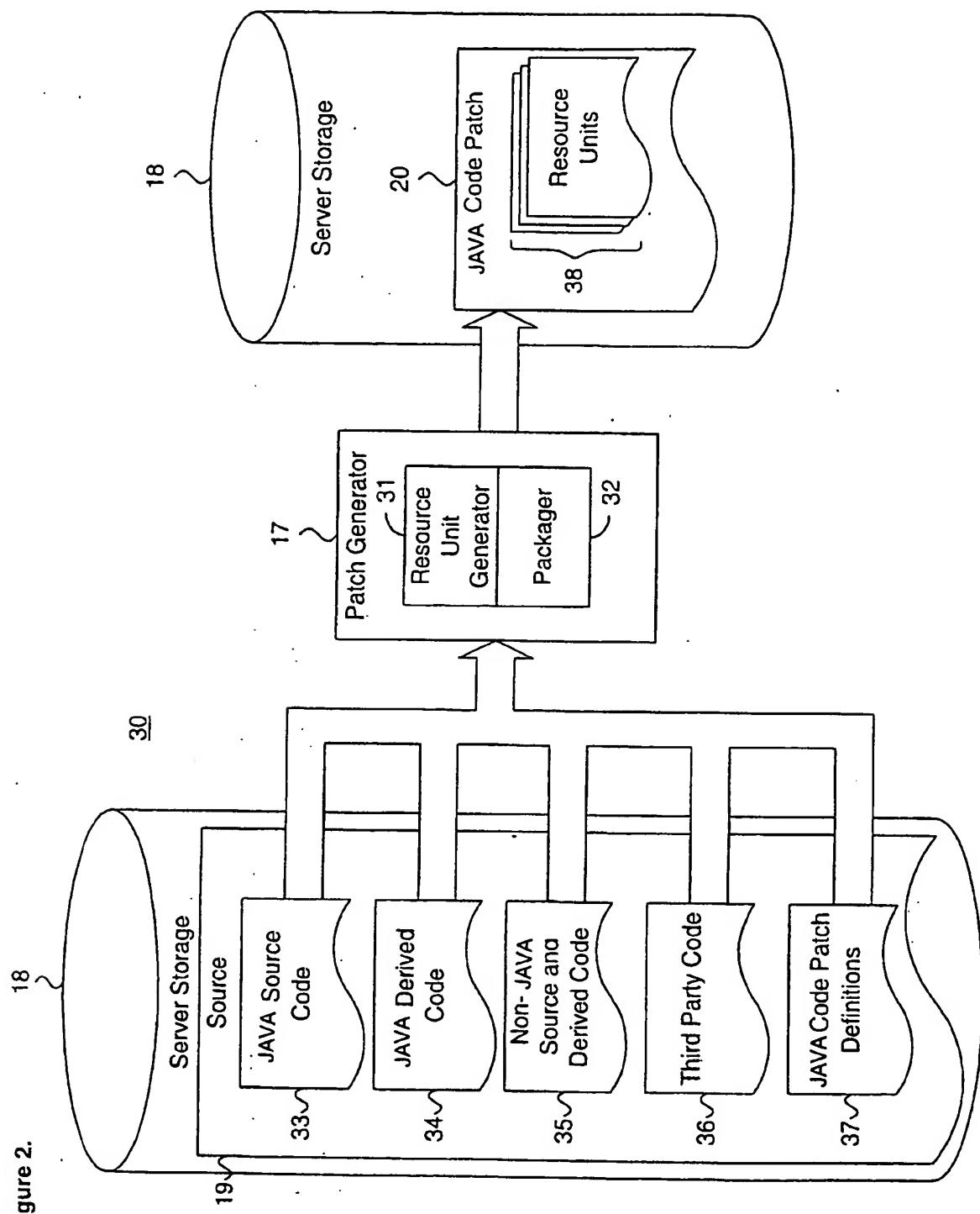


Figure 1.



Title: **SYSTEM AND METHOD FOR PROVIDING A JAVA CODE RELEASE STRUCTURE WITH GRANULAR CODE PATCHING**  
Inventor(s): Kenton E. Noble, et al.  
Docket No. 50277-1955  
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Figure 2.



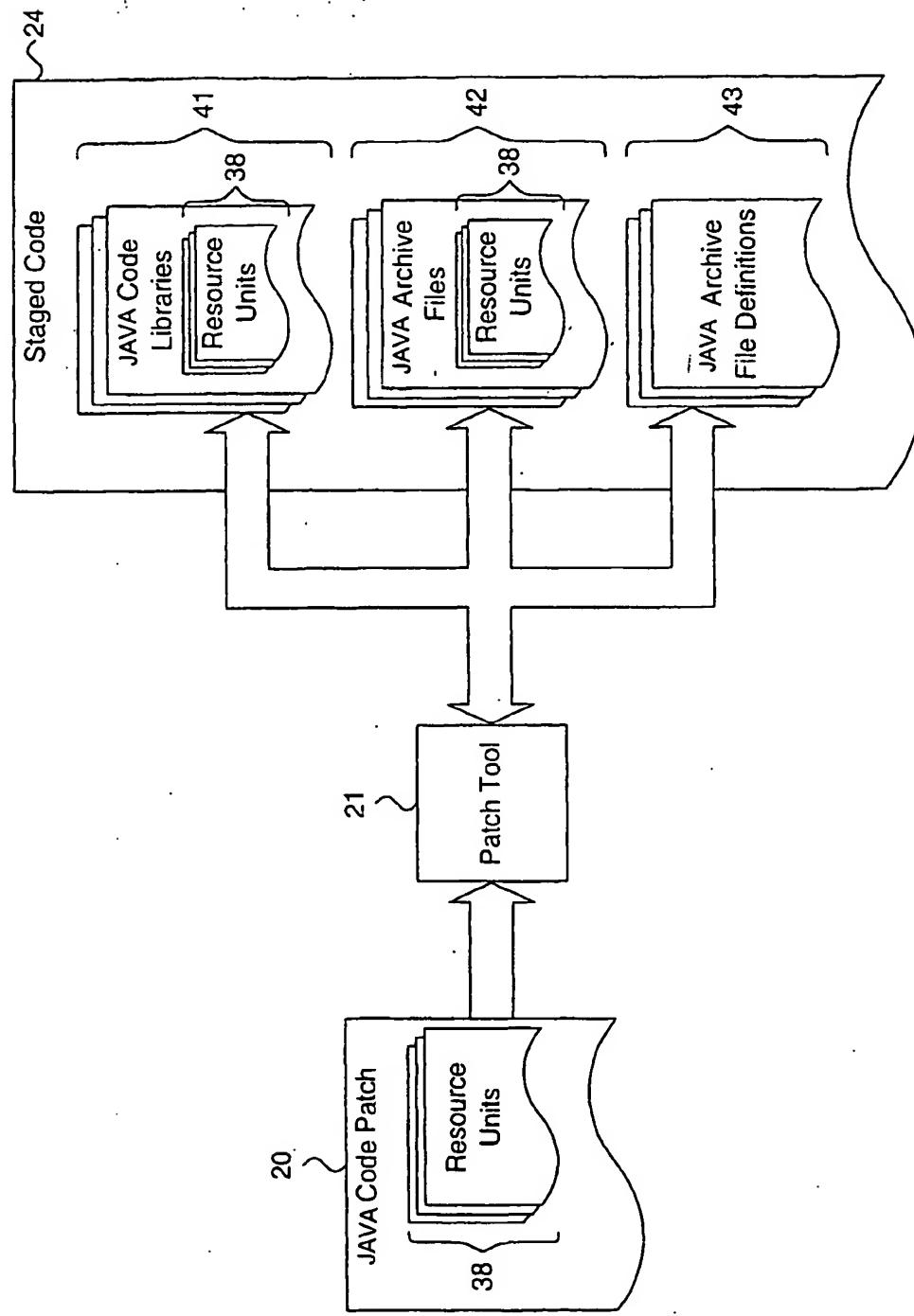


**Title: SYSTEM AND METHOD FOR PROVIDING A JAVA CODE  
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**Inventor(s): Kenton E. Noble, et al.**  
**Docket No. 50277-1955**  
**Replacement Sheet 3 of 13**

Accepted by Franklin  
12-14-05 MS

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Figure 3.

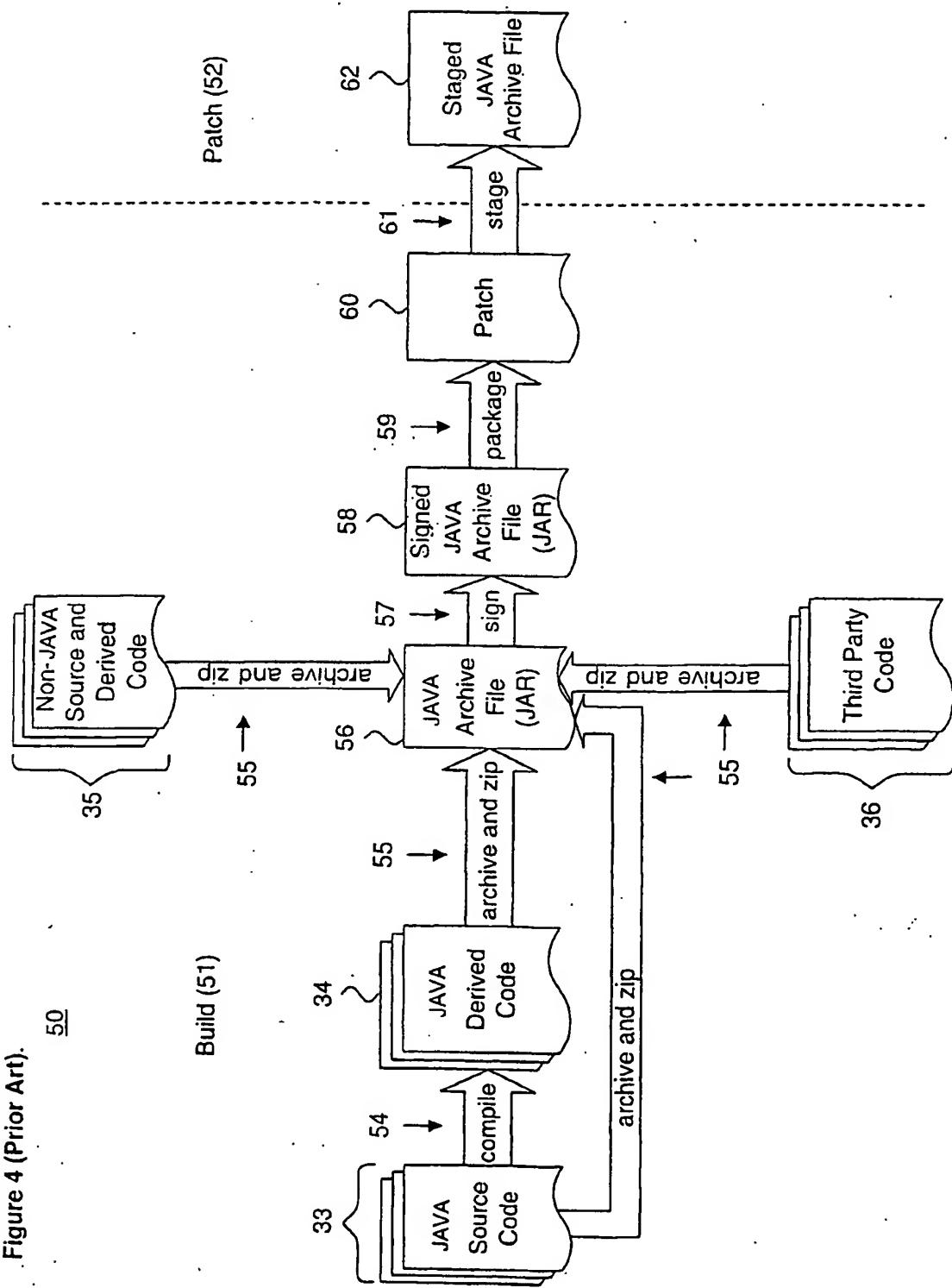




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**Inventor(s): Kenton E. Noble, et al.**  
**Docket No. 50277-1955**  
**Replacement Sheet 4 of 13**

Accepted by Finance and  
12:14:00 1985

Figure 4 (Prior Art).





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Inventor(s): Kenton E. Noble, et al.  
Docket No. 50277-1955  
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Accepted by Examiner  
12-14-05 PM  
Figure 5 (Prior Art).

70

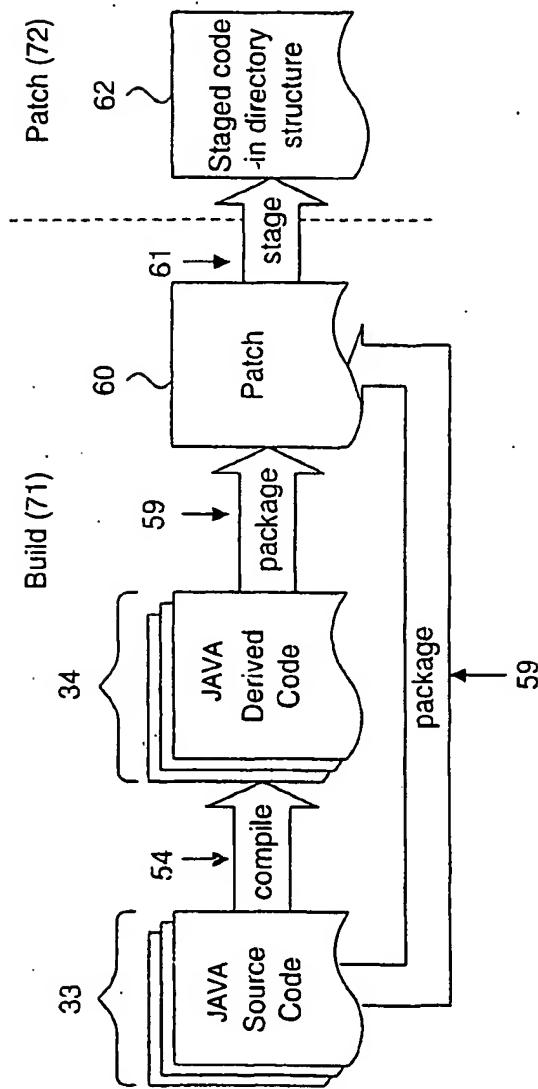
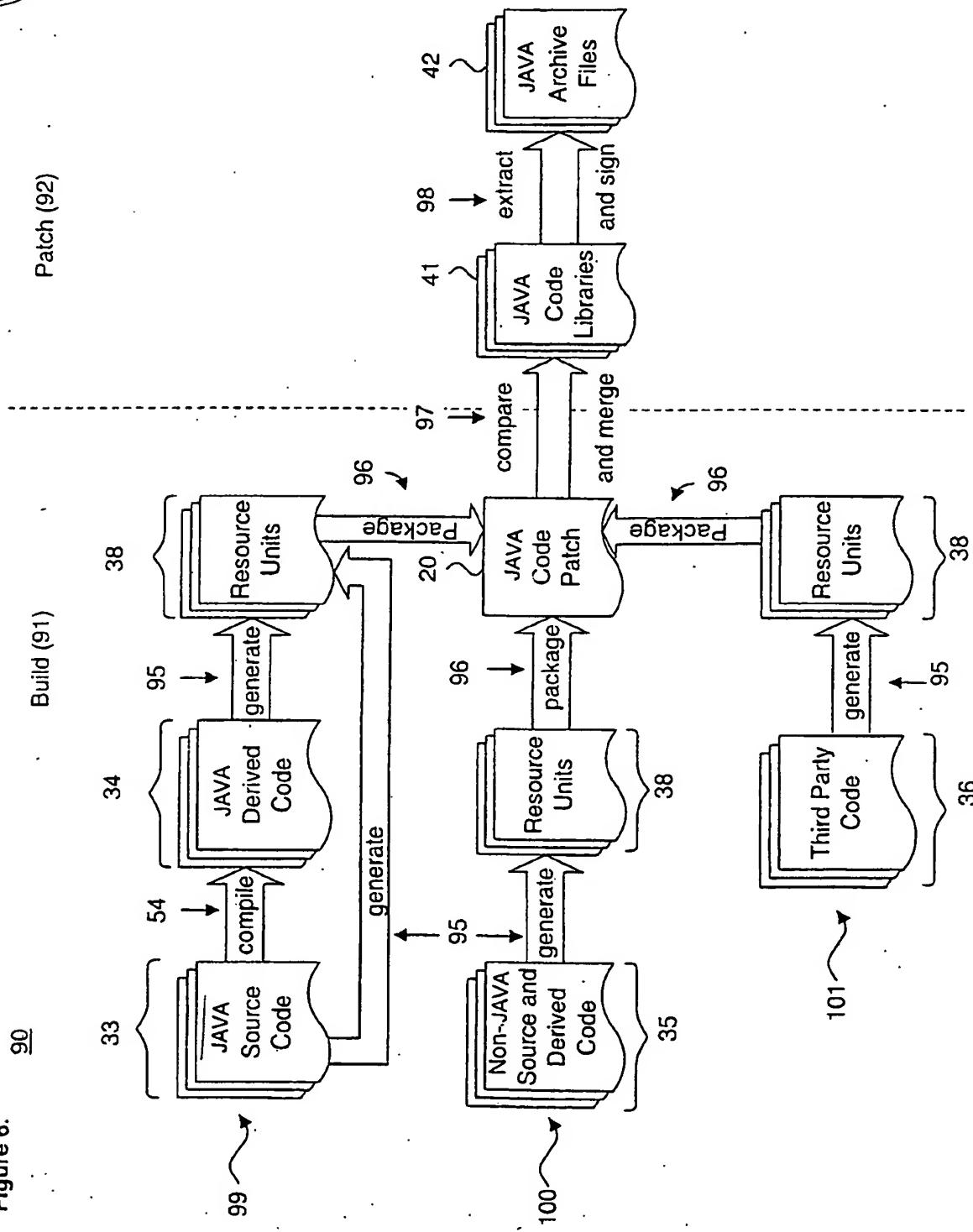




Figure 6.

90  
Build (91)  
Patch (92)



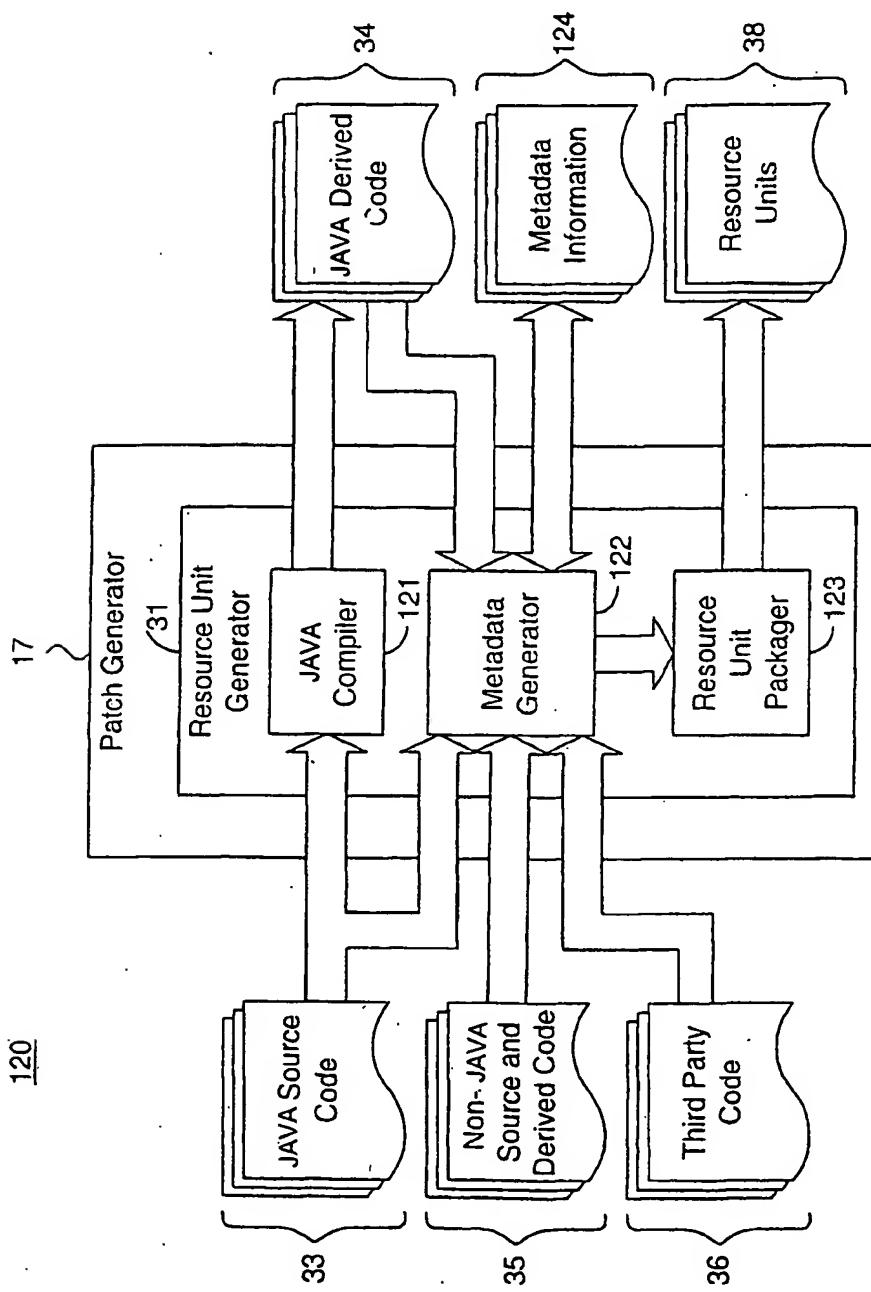


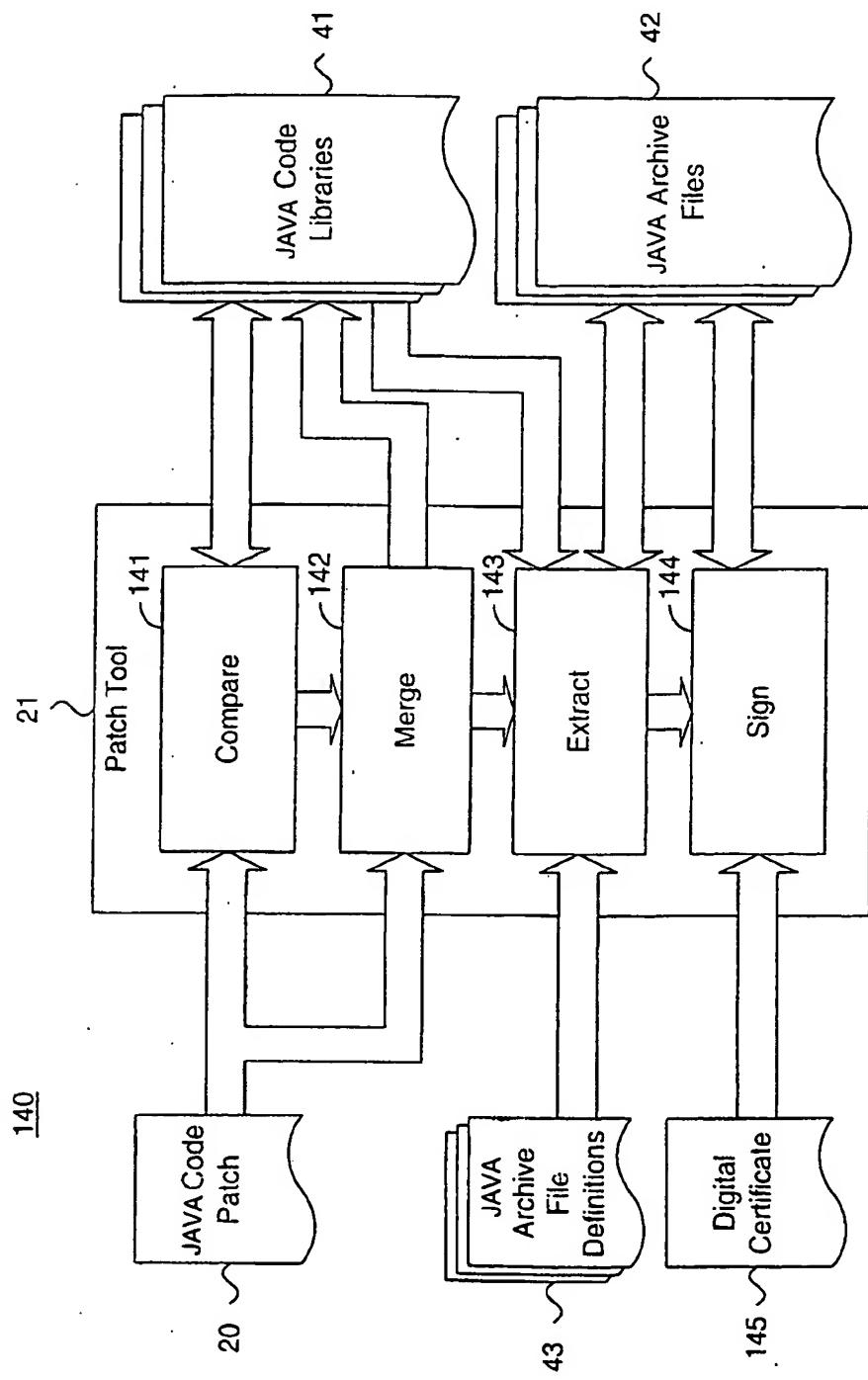
Figure 7.



Accepted by Examiner  
12-14-05 MS

Title: SYSTEM AND METHOD FOR PROVIDING A JAVA CODE  
RELEASE STRUCTURE WITH GRANULAR CODE PATCHING  
Inventor(s): Kenton E. Noble, et al.  
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Figure 9.



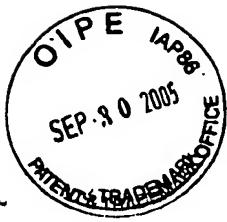


Figure 10.

150

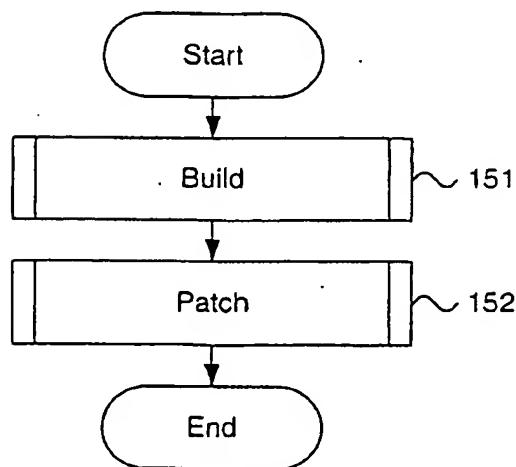
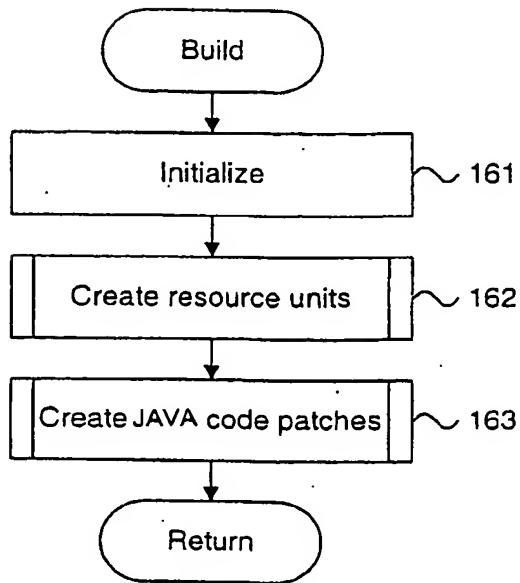


Figure 11.

160

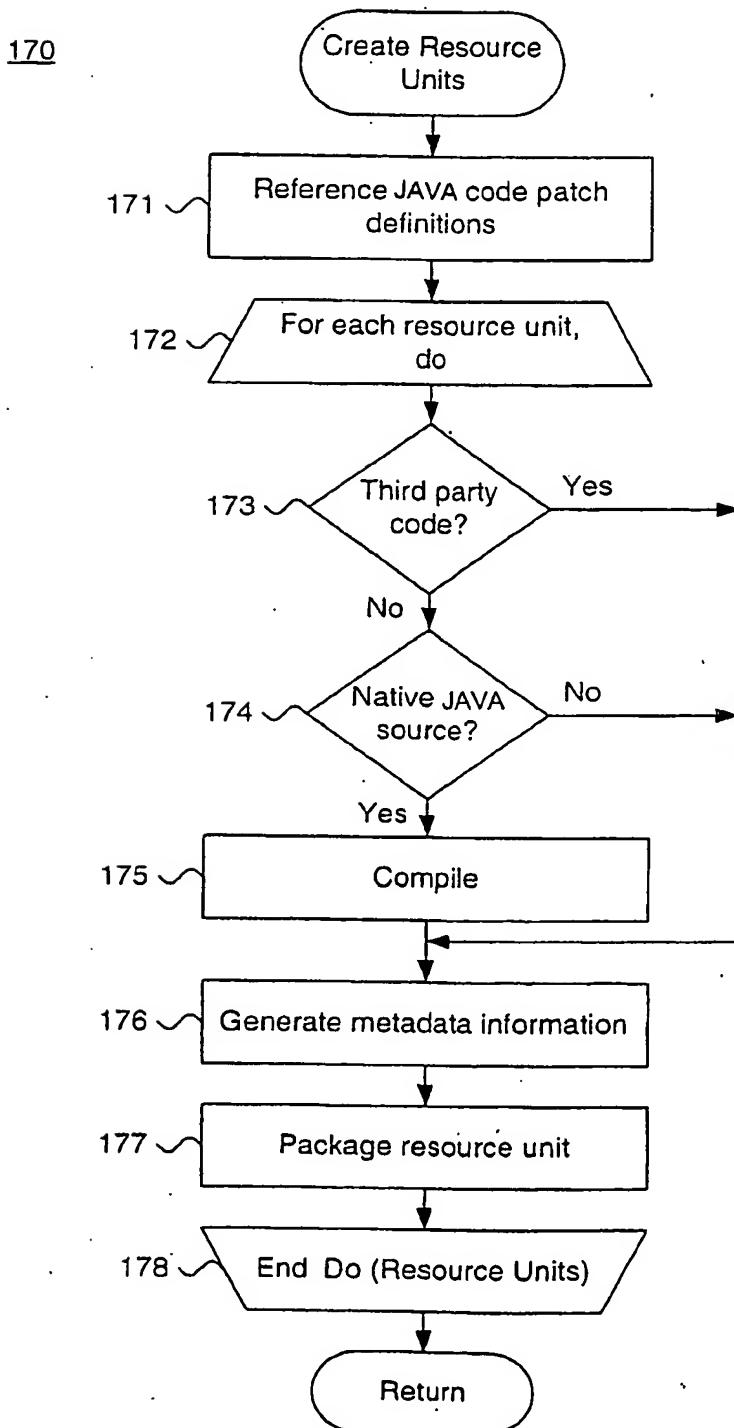


Accepted by Examiner  
12/14/05 MS



Title: SYSTEM AND METHOD FOR PROVIDING A JAVA CODE  
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Inventor(s): Kenton E. Noble, et al.  
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Figure 12.



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12/14/05 PMJ



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Docket No. 50277-1955  
Replacement Sheet 11 of 13

Figure 13.

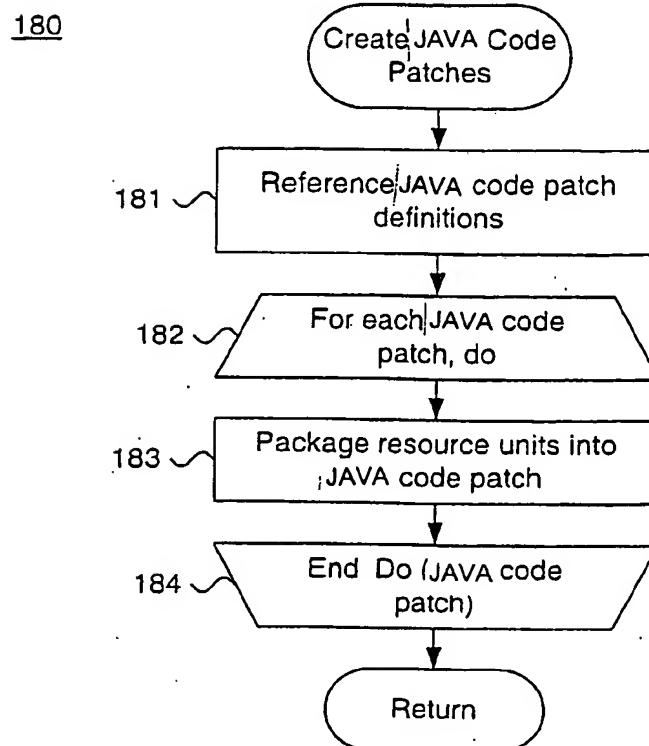
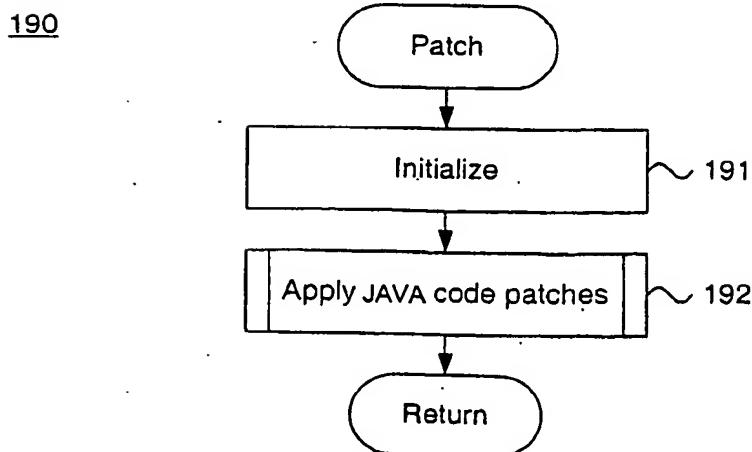


Figure 14.



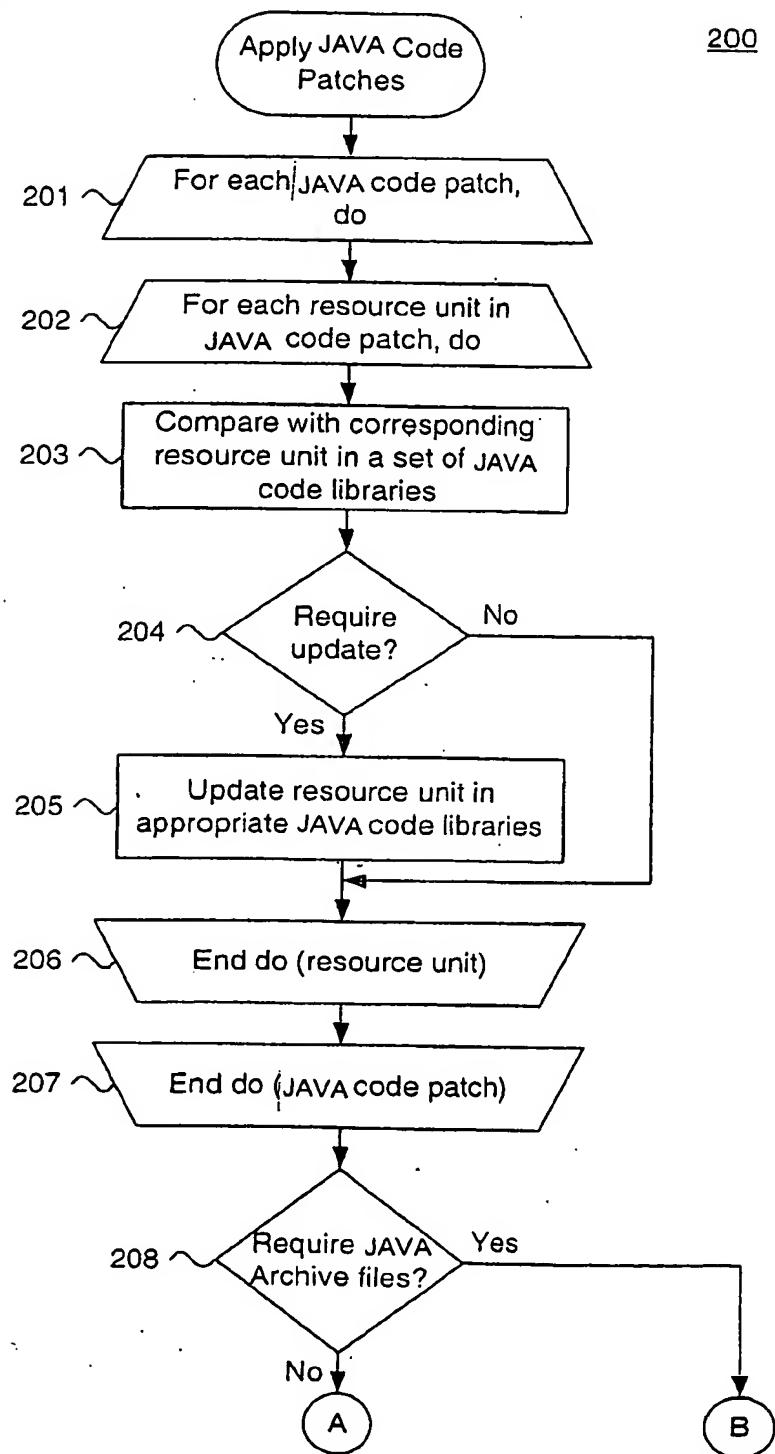
Received by Examiner  
12-14-05 MD



Title: SYSTEM AND METHOD FOR PROVIDING A JAVA CODE  
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Inventor(s): Kenton E. Noble, et al.  
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Accepted by Examiner  
12-14-05

Figure 15.





Title: SYSTEM AND METHOD FOR PROVIDING A JAVA CODE RELEASE STRUCTURE WITH GRANULAR CODE PATCHING  
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Figure 15 (con'd).

